

REMARKS

Status of Claims:

Claims 3-4, 7-8, and 11-12 remain cancelled. Thus, claims 1-2, 5-6, 9-10, and 13-15 are present for examination.

Claims 13-15 were added by the amendment filed on August 22, 2006. In the Advisory Action, the Examiner did not indicate whether or not the proposed amendments would be entered. In the event that claims 13-15 have not already been pending in the application, claims 13-15 are newly added by the present amendment.

Claim Rejection:

Claims 1-2, 5-6, and 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakamura (U.S. Patent No. 5,987,424).

With respect to claims 1-2, 5-6, and 9-10, as amended, the rejection is respectfully traversed.

Independent claim 1, as amended, recites an advertisement system comprising:

“a portable telephone communication terminal capable of communicating with other portable telephone communication terminals utilizing a display on said portable telephone communication terminal, and capable of automatically displaying an advertisement on said display when said display is operating in a standby mode;

a terminal management device for managing said portable telephone communication terminal; and

an advertisement broadcast device for storing advertisement data provided by an advertisement broadcaster;

wherein said terminal management device comprises:

notification means for, when a registration request including first information representing that said portable telephone communication terminal is an automatic advertisement display terminal and second information representing an advertisement broadcaster designated by said portable telephone communication terminal is issued by said portable

telephone communication terminal, notifying said advertisement broadcast device of the registration request including the first information in accordance with the second information,

registration means for registering the first information and the second information when said advertisement broadcast device sends registration acceptance in response to the registration request notification from said notification means, and

display control means for, when advertisement data is received from said advertisement broadcast device which is a registration acceptance notification source, transmitting, without intervening action from a user of the portable telephone communication terminal, the received advertisement data to said portable telephone communication terminal on the basis of the registered first information and the registered second information;

wherein the portable telephone communication terminal is configured to automatically receive the advertisement data from the terminal management device and is configured to automatically display the advertisement data on the display of said portable telephone communication terminal when said display is operating in said standby mode; and

wherein the advertisement broadcast device is able to transmit the advertisement data to the terminal management device at arbitrary times after the advertisement broadcast device sends the registration acceptance in response to the registration request notification.” (Emphasis Added).

An advertisement system including the above-quoted features has at least the advantages that: (i) a portable telephone communication terminal is capable of communicating with other portable telephone communication terminals utilizing a display on the portable telephone communication terminal, and is capable of automatically displaying an advertisement on the display when the display is operating in a standby mode; (ii) a terminal management device allows for managing the portable telephone communication terminal; (iii) an advertisement broadcast device allows for storing advertisement data provided by an advertisement broadcaster; (iv) the terminal management device comprises display control means for, when advertisement data is received from the advertisement broadcast device which is a registration acceptance notification source, transmitting, without intervening action from a user of the portable telephone communication terminal, the received advertisement data to the portable telephone communication terminal on the basis of registered first information and registered second information; (v) the portable telephone

communication terminal is configured to automatically receive the advertisement data from the terminal management device and is configured to automatically display the advertisement data on the display of the portable telephone communication terminal when the display is operating in the standby mode; and (vi) the advertisement broadcast device is able to transmit the advertisement data to the terminal management device at arbitrary times after the advertisement broadcast device sends a registration acceptance in response to a registration request notification. (Applicant's Specification; page 1, lines 6-9; page 3, line 24 to page 4, line 15; page 5, lines 5-8; page 7, lines 3-21; page 10, lines 2-13; Figs. 1 and 2, references S4 and S5).

Nakamura neither discloses nor suggests an advertisement system including the above-quoted features. In the Advisory Action, the Examiner stated that, "Applicant argues that in Nakamura, the user performs a dial operation and that in the instant claims, the user receives the ads without performing any additional steps." (Advisory Action; page 2). The Examiner then stated that, "[t]he examiner [wants] to point [out] that the claims do not exclude the user's input." (Advisory Action; page 2).

Claim 1 has now been amended to recite that "the advertisement broadcast device is able to transmit the advertisement data to the terminal management device at arbitrary times after the advertisement broadcast device sends the registration acceptance in response to the registration request notification." (Emphasis Added). Also, claim 1 has been amended to recite that the terminal management device comprises "display control means for, when advertisement data is received from said advertisement broadcast device which is a registration acceptance notification source, transmitting, without intervening action from a user of the portable telephone communication terminal, the received advertisement data to said portable telephone communication terminal on the basis of the registered first information and the registered second information". (Emphasis Added).

In the Advisory Action, the Examiner stated that, "[e]ven if this feature [were] to be claimed, Nakamura teaches in steps 1001 to 1004 discloses transmitting advertisement stored in a corresponding relationship to subscriber telephone set 11 from received advertisement memory 15 and transmits the advertisement information [number] to advertisement apparatus

12 (col. 19, lines 39-49).” (Advisory Action; page 2) (Emphasis Added). The Examiner further stated that, “[a]s can be seen [from] the following passage of [Nakamura], the steps are performed internally without the user’s input.” (Advisory Action; page 2) (Emphasis Added).

However, in the system of Nakamura, it is not possible for the advertisement apparatus 12 to transmit advertisement data to the exchange 16 at arbitrary times and for the exchange 16 to transmit received advertisement data to the telephone set 11 when the advertisement data is received from the advertisement apparatus 12 and without intervening action from a user of the telephone set 11. (Nakamura; col. 19, lines 26-49).

While the Examiner cites col. 19, lines 39-49, of Nakamura in the Advisory Action, it is important to understand the context of that cited portion of Nakamura by reading the preceding paragraph in the specification of Nakamura. In Nakamura, col. 19, lines 34-38, the following is stated:

“The following description proceeds on the assumption that subscriber telephone set 11 shown in FIG. 11 has been put into an off-hook state from a free state and then an operation for hearing advertisement information has been performed.” (Nakamura; col. 19, lines 34-38) (Emphasis Added).

Thus, the description of steps 1001 to 1004 of Fig. 13 of Nakamura that is provided at col. 19, lines 39-49, of the Nakamura reference proceeds on the assumption that subscriber telephone set 11 has been put into an off-hook state from a free state and then an operation for hearing advertisement information has been performed. (Nakamura; col. 19, lines 34-38). As a consequence, the exchange 16 in the system of Nakamura cannot receive advertisement data from the advertisement apparatus 12 at arbitrary times and then transmit the advertisement data to the telephone set 11 when the advertisement data is received from the advertisement apparatus 12 and without intervening action from a user of the telephone set 11, because the telephone set 11 in the system of Nakamura must be put into an off-hook state from a free state and then an operation for hearing advertisement

information must be performed before the exchange 16 transmits the advertisement data. (Nakamura; col. 19, lines 34-49).

This is also true in other embodiments of Nakamura where, for example, the exchange 4 must ring a bell of subscriber telephone set 1, and a responding operation of subscriber telephone set 1 must be received before exchange 4 transmits advertisement data to subscriber telephone set 1. (Nakamura; col. 24, line 48 – col. 25, line 14). A user in the system of Nakamura must either put a telephone in an off-hook state or perform a responding operation before the exchange in Nakamura transmits advertisement data, which is an intervening action by the user.

Therefore, independent claim 1, as amended, is neither disclosed nor suggested by the Nakamura reference and, hence, is believed to be allowable.

Independent claim 5 recites an advertisement display method with features similar to features of an advertisement system of independent claim 1 and, thus, is believed to be allowable for at least the same reasons that independent claim 1 is believed to be allowable.

Independent claim 9 recites a storage medium storing an advertisement display program for causing a computer to execute a process with features similar to features of an advertisement system of independent claim 1 and, thus, is believed to be allowable for at least the same reasons that independent claim 1 is believed to be allowable.

The dependent claims are deemed allowable for at least the same reasons indicated above with regard to the independent claims from which they depend.

Conclusion:

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Respectfully submitted,

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By Justin M. Sobaje

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (310) 975-7965
Facsimile: (310) 557-8475

Justin M. Sobaje
Attorney for Applicant
Registration No. 56,252